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CHARLES ELMORE

In the Supreme Court
OF THE
United States

OCTOBER TERM, 1935

No. 664

J. W. TIPTON,
Petitioner,

vs.

ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY (a corporation),
Respondent.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI to the United States Circuit Court of Appeals for the Ninth Circuit.

HERMAN A. BACHRACK,
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Attorney for Petitioner.

CLIFTON HILDEBRAND,
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LOUIS E. GOODMAN,
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Of Counsel.

cited in *Geraghty v. Lehigh Valley R. Co.*, 70 F. (2d) 300 (C. C. A. 2), decided April 16, 1934, and we had assumed that the court in the latter case was unaware of the decision in the former. However, we now find from *Geraghty v. Lehigh Valley R. Co.*, 11 F. Supp. 378 (D. C. N. Y.), that there was a motion or petition expressly bringing the *Gilvary* case, supra, to the attention of the Circuit Court of Appeals.

(2) The case of *Leuthe v. Erie R. Co.*, 12 F. Supp. 161 (D. C. N. Y.), is in square conflict with the decision at bar, indicating increasing confusion on the subject.

(3) The Federal conflict has been made the basis of a note, just published, in the January, 1936, number of Harvard Law Review (49 Harv. L. R. 456).

Dated, San Francisco, California,
January 20, 1935.

Respectfully submitted,

HERMAN A. BACHRACK,
Attorney for Petitioner.

CLIFTON HILDEBRAND,
LOUIS E. GOODMAN,
LOUIS H. BROWNSTONE,
Of Counsel.